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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Amend  
Court's Order Sustaining the Third  
Omnibus Objection Re: The HFAH  
Asylum, LLC Loan**

**Date of Hearing: November 15, 2011**

**Time of Hearing: 9:30 a.m.**

**Estimated Time for Hearing: 10 minutes**

The USACM Liquidating Trust (the "USACM Trust") moves to amend the Order regarding the Third Omnibus Objection to Proofs of Claim Based Upon Investment in the HFAH Asylum, LLC Loan ("HFAH Asylum Loan") [DE No. 8863] (the "Objection").

On September 30, 2011, the Court heard the Objection. At the hearing, the Court indicated that it would allow 30% of each of the HFAH Asylum Loan claims and disallow the remaining 70% of each claim. There were a total of three HFAH Asylum Loan claims that were initially designated in the Objection as having an "unknown" claim amount and thus the Court allowed these claims for an "unknown" amount. The USACM Trust cannot make a distribution based upon an allowed claim in an "unknown" amount. Thus, the "unknown" claim amounts must be replaced with specific dollar figures.

1 The three claims at issue were all filed by the same Direct Lender, Dennis Raggi,  
2 and they are all based upon his lone investment in the HFAH Asylum Loan. The three  
3 claims are listed in **Exhibit A**, attached. Counsel for the USACM Trust has reviewed the  
4 relevant proofs of claim (“POC”) and the HFAH Asylum loan file. It appears that Mr.  
5 Raggi invested \$100,000 in the HFAH Asylum Loan. The USACM Trust would propose  
6 to designate the amount of Mr. Raggi’s first claim, POC No. 10725-0226, to be \$100,000,  
7 and the amount of the other two claims, POC Nos. 10725-01878 and 01880, to be \$0.  
8 This way the Trust does not double or triple count Mr. Raggi’s claim.

9 So as not to delay the processing of the other HFAH Asylum claims that the Court  
10 allowed on September 30, 2011, the USCM Trust intends to upload an order that is  
11 consistent with the courts decision at the hearing. Thus, the order will show an  
12 “unknown” amount for Mr. Raggi’s claims. Assuming the Court approves the orders, the  
13 USACM Trust will then make distributions based upon it, but Mr. Raggi will not receive a  
14 distribution.

15 Later, when the Court hears this motion on November 15, 2011, the USACM Trust  
16 will ask the Court to amend the order so that Mr. Raggi’s claims are allowed in the  
17 amounts shown on **Exhibit A**, attached. The USACM Trust requests such additional relief  
18 as the Court may deem proper.

19 LEWIS AND ROCA LLP

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LEWIS  
AND  
ROCA  
LLP  
LAWYERS

Copy of the foregoing  
Mailed by first class postage  
Prepaid U.S. Mail to the parties listed on  
Exhibit A attached.

S. Renee Creswell  
Lewis and Roca LLP